IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No.1086 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

LEGAL HEIRS OF DECD., LAKHMANBHAI KANABHAI BARAIYA

Versus

DRIVER OF TRACTOR, BHAGVANBHAI MEGHJIBHAI BHALADA

Appearance:

1. Civil Revision Application No. 1086 of 2001
MR HM PRACHCHHAK for Applicant Nos.1-1/4
SERVED BY AFFIX.-(R) for Respondent No. 1
DELETED for Respondent No. 2,4-5
RULE SERVED for Respondent No. 3,6

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 16/10/2002

ORAL JUDGEMENT

1. The present Revision Application is filed against

the order passed by the Motor Accident Claims Tribunal (Auxiliary), Veraval on 06.08.2001, below an application Ex.1, in Claim Case No.1572 of 1999, whereby the application moved by the present applicants was partly granted. Since the impugned order is an interim order and the main matter is still pending before the trial Court, in view of the provision under Section 115 of the Civil Procedure Code, the present Revision Application is not maintainable and, hence, it is rejected. It is, however, open to the applicants to move an application before the trial Court for withdrawal of the amount by pointing out reasonable grounds and if such an application is moved, the trial Court shall consider the same sympathetically and pass appropriate order.

2. With the above observations, the present Revision Application is rejected. Rule discharged. No order as to costs. Sd/-

[K.A.PUJ,J]

'Bhavesh'